

AMENDED IN SENATE MAY 5, 2008
AMENDED IN SENATE APRIL 3, 2008
AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1172

Introduced by Senator Dutton

February 7, 2008

An act to amend Sections 331, 332, 1528, 3684, 3686, and 4332 of, ~~and~~ to add Sections 331.5, 333, 711.1, 4332.5, and 4764 to, to repeal Sections 3685 and 4334 of, and to repeal and add ~~Section~~ *Sections* 4656 and 4903 of, the Fish and Game Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 1172, as amended, Dutton. Wildlife: game management.

Existing law requires all money collected under the provisions of the Fish and Game Code, including money received as a result of the sale of licenses issued under the provisions of the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law also grants authority to the California Fish and Game Commission to issue tags and licenses for the hunting of antelope, elk, upland game birds, deer, wild pigs, bears, and bighorn sheep upon payment of a fee, to be deposited into the Fish and Game Preservation Fund.

This bill would establish, *within the Fish and Game Preservation Fund*, the Antelope Tag Account, the Elk Tag Account, the Wildlife Management Areas Hunting Programs Account, the Upland Game Bird Account, the Augmented Deer Tags Account, the Wild Pig Account, the Bear Tag Account, and the Bighorn Sheep Account ~~within the Fish and Game Preservation Fund~~ to permit separate accountability for the

receipt and expenditure of those funds, and would recast related provisions. This bill would require that any fees deposited in each *specified* account be used for programs, projects, land acquisitions, and for hunting opportunities and public outreach to benefit each species for which ~~the an~~ an account was created. The bill would require the commission to review a proposed project and verify that specified requirements have been met. The bill would require ~~that the department first to analyze the proposed project and verify that specific requirements have been met,~~ provide the commission with recommendations as to the project's feasibility and need, and solicit comment on the proposed project from interested nonprofit organizations that have as their primary purpose the conservation of specific wildlife populations, and would make conforming changes.

~~This~~

~~The bill would also~~ authorize the department to make grants or enter into contracts with nonprofit organizations when it finds that the contracts are necessary for carrying out the purposes of the bill. The bill would permit the department to enter into contracts or to award grants to use these funds to reimburse, upon completion of the projects, nonprofit organizations for related habitat projects.

~~This~~

~~The bill would exempt certain of these projects from the State Contract Act and from statutory provisions relating to the Disabled Veterans' Veteran Business Enterprise Program.~~

The bill would require the department, as part of its annual budget proposal for the 2009–10 fiscal year, that is subject to legislative approval as part of the annual Budget Act, to include adequate funding, as determined by the department, to begin the process of developing plans to implement the strategies in the California Comprehensive Wildlife Action Plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In 2000, Congress enacted the State Wildlife Grants Program
- 4 to support state programs that broadly benefit wildlife and habitats,
- 5 particularly species having the greatest need for conservation that

1 are not protected under the ~~Endangered Species Act~~ *federal*
2 *Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.)*.

3 (b) As a requirement of receiving federal funding under this
4 program, the Department of Fish and Game agreed to submit a
5 comprehensive wildlife conservation strategy to the United States
6 Fish and Wildlife Service.

7 (c) Congress intended that the wildlife conservation strategies
8 developed by state fish and wildlife agencies guide future nongame
9 wildlife conservation actions by these state agencies and
10 conservation actions taken by others on behalf of nongame species.

11 (d) Congress directed the state fish and wildlife agencies to
12 develop wildlife conservation strategies, provide a process for
13 reviewing and updating these strategies at intervals not to exceed
14 10 years, and develop plans for implementing these strategies.

15 (e) Congress has affirmed that broad public participation is an
16 essential element of developing and implementing these strategies.

17 (f) The Department of Fish and Game faces increasing
18 responsibilities to conserve nongame wildlife with limited
19 resources.

20 (g) In 2006, the Department of Fish and Game submitted its
21 comprehensive wildlife conservation strategy, the California
22 Comprehensive Wildlife Action Plan, to the United States Fish
23 and Wildlife Service.

24 (h) The California Comprehensive Wildlife Action Plan includes
25 a detailed review of the status of California's nongame wildlife
26 populations and the conservation actions that are recommended
27 to protect and conserve these species.

28 (i) The California Comprehensive Wildlife Action Plan provides
29 the Department of Fish and Game with the opportunity to identify,
30 assess, and prioritize its nongame wildlife conservation needs and
31 actions for the future.

32 SEC. 2. Section 331 of the Fish and Game Code is amended
33 to read:

34 331. (a) The commission may determine and fix the area or
35 areas, the seasons and hours, the bag and possession limit, and the
36 sex and total number of antelope (*Antilocapra americana*) that may
37 be taken under regulations that the commission may adopt from
38 time to time. Only a person possessing a valid hunting license,
39 who has not received an antelope tag under these provisions during

1 a period of time specified by the commission, may obtain a tag for
2 the taking of antelope.

3 (b) The department may issue a tag upon payment of a fee. The
4 fee for a tag shall be fifty-five dollars (\$55) for a resident of the
5 state, as adjusted under Section 713. On or before July 1, 2007,
6 the commission shall, by regulation, fix the fee for a nonresident
7 of the state at not less than a fee of three hundred fifty dollars
8 (\$350), as adjusted under Section 713. The fee shall be deposited
9 in the Antelope Tag Account established in Section 331.5 and,
10 upon appropriation by the Legislature, shall be expended, in
11 addition to moneys budgeted for salaries of persons in the
12 department, for the expense of implementing this section and
13 Section 331.5.

14 (c) The commission shall direct the department to annually
15 authorize not less than one antelope tag or more than 1 percent of
16 the total number of tags available for the purpose of raising funds
17 for programs and projects to benefit antelope. These tags may be
18 sold at auction to residents or nonresidents of the state or by another
19 method and are not subject to the fee limitation prescribed in
20 subdivision (b).

21 (d) The commission shall direct the department to annually
22 authorize one antelope tag of the total number of tags available
23 for issuance to nonresidents of the state.

24 SEC. 3. Section 331.5 is added to the Fish and Game Code, to
25 read:

26 331.5. (a) The Antelope Tag Account is hereby established
27 within the Fish and Game Preservation Fund.

28 (b) All funds collected from the sale of antelope tags shall be
29 deposited in the Antelope Tag Account to permit separate
30 accountability for the receipt and expenditure of these funds.

31 (c) Funds deposited in the Antelope Tag Account shall be
32 expended solely for the purposes set forth in this section and
33 Section 331, including acquiring land, completing projects, and
34 implementing programs to benefit antelope, and expanding public
35 hunting opportunities and public outreach related to hunter
36 education on antelope hunting. The department may also use these
37 funds to enter into contracts or to award grants to reimburse, upon
38 completion of the projects, nonprofit organizations described in
39 Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec.
40 501(c)(3)) for related conservation projects. Any land acquired

with funds from the Antelope Tag Account shall be ~~open~~ *acquired in fee title or protected with a conservation easement and be open or provide access* to the public for antelope hunting.

(d) The department may make grants or enter into contracts with nonprofit organizations for the use of the funds from the Antelope Tag Account when it finds that the contracts are necessary for carrying out the purposes of this article.

(e) Before any funds from the Antelope Tag Account may be expended, the commission shall review the proposed project and verify that the requirements of this section have been met. Prior to commission verification, the department shall analyze the proposed project and provide the commission with recommendations as to the project's feasibility and need. The department shall also solicit comment on the proposed project from interested nonprofit organizations described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) that have as their primary purpose the conservation of big game species populations.

(f) Antelope projects authorized pursuant to this section are not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(g) The department shall maintain the internal accountability necessary to ensure compliance with the collection, deposit, and expenditure of funds specified in this section.

SEC. 4. Section 332 of the Fish and Game Code is amended to read:

332. (a) The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the number of elk that may be taken under rules and regulations that the commission may adopt from time to time. The commission may authorize the taking of tule elk if the average of the department's statewide tule elk population estimates exceeds 2,000 animals, or the Legislature determines, pursuant to the reports required by Section 3951, that suitable areas cannot be found in the state to accommodate that population in a healthy condition.

(b) Only a person possessing a valid hunting license may obtain a tag for the taking of elk.

(c) The department may issue an elk tag upon payment of a fee. The fee for a tag shall be one hundred sixty-five dollars (\$165) for

1 a resident of the state, as adjusted under Section 713. On or before
2 July 1, 2007, the commission shall, by regulation, fix the fee for
3 a nonresident of the state at not less than one thousand fifty dollars
4 (\$1,050), as adjusted under Section 713. The fees shall be
5 expended, in addition to money budgeted for salaries of the
6 department, for the expenses of implementing this section and
7 Section 3951.

8 (d) The commission shall annually direct the department to
9 authorize not more than three elk hunting tags for the purpose of
10 raising funds for programs and projects to benefit elk. These tags
11 may be sold at auction to residents or nonresidents of the state or
12 by another method and are not subject to the fee limitation
13 prescribed in subdivision (c).

14 (e) The commission shall direct the department to annually
15 authorize one elk tag of the total number of tags available for
16 issuance to nonresidents of the state.

17 SEC. 5. Section 333 is added to the Fish and Game Code, to
18 read:

19 333. (a) The Elk Tag Account is hereby established within the
20 Fish and Game Preservation Fund.

21 (b) All funds collected from the sale of elk tags shall be
22 deposited in the Elk Tag Account to permit separate accountability
23 for the receipt and expenditure of these funds.

24 (c) Funds deposited in the Elk Tag Account shall, upon
25 appropriation by the Legislature, be expended solely for the
26 purposes set forth in Sections 332, 3951, and 3952, *including*
27 *acquiring land, completing projects, and implementing programs*
28 *to benefit elk, and expanding public hunting opportunities and*
29 *public outreach related to hunter education on elk hunting.* The
30 department may also use these funds to enter into contracts or to
31 award grants to reimburse, upon completion of the projects,
32 nonprofit organizations described in Section 501(c)(3) of the
33 Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related
34 habitat projects. Any land acquired with funds from the Elk Tag
35 Account shall be ~~open~~ *acquired in fee title or protected with a*
36 *conservation easement and be open or provide access to the public*
37 *for elk hunting.*

38 (d) The department may make grants or enter into contracts
39 with nonprofit organizations for the use of the funds from the Elk

1 Tag Account when it finds that the contracts are necessary for
2 carrying out the purposes of this article.

3 (e) Before any funds from the Elk Tag Account may be
4 expended, the commission shall review the proposed project and
5 verify that the requirements of this section have been met. Prior
6 to commission verification, the department shall analyze the
7 proposed project and provide the commission with
8 recommendations as to the project's feasibility and need. The
9 department shall also solicit comment on the proposed project
10 from interested nonprofit organizations described in Section
11 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3))
12 that have as their primary purpose the conservation of elk
13 populations.

14 (f) Elk projects authorized pursuant to this section are not subject
15 to Part 2 (commencing with Section 10100) of Division 2 of the
16 Public Contract Code or Article 6 (commencing with Section 999)
17 of Chapter 6 of Division 4 of the Military and Veterans Code.

18 (g) The department shall maintain the internal accountability
19 necessary to ensure compliance with the collection, deposit, and
20 expenditure of funds specified in this section.

21 SEC. 6. Section 711.1 is added to the Fish and Game Code, to
22 read:

23 711.1. (a) The department shall, to the extent feasible, maintain
24 within each account of the Fish and Game Preservation Fund a
25 reserve of 5 percent of the previous year's expenditure from the
26 account.

27 (b) The department shall annually maintain on its Internet Web
28 ~~site, or include in the Governor's Budget document, a fund site,~~
29 *and include in the annual Budget submitted by the Governor, a*
30 *fund* condition statement that displays information on the condition
31 of revenues and expenditures both for dedicated and nondedicated
32 revenue sources.

33 SEC. 7. Section 1528 of the Fish and Game Code is amended
34 to read:

35 1528. (a) Lands, or lands and water, acquired for public
36 shooting grounds, state marine (estuarine) recreational management
37 areas, or wildlife management areas shall be operated on a
38 nonprofit basis by the department. Multiple recreational use of
39 wildlife management areas is desirable and that use shall be
40 encouraged by the commission.

(b) Except for hunting and fishing purposes, only minimum facilities to permit other forms of multiple recreational use, such as camping, picnicking, boating, or swimming, shall be provided. Except as provided in Section 1765, and to defray the costs associated with multiple use, the commission may determine and fix the amount of, and the department shall collect, fees for any use privileges. However, tours by organized youth and school groups are exempt from the payment of those fees.

(c) Only persons holding valid hunting licenses may apply for or obtain shooting permits for public shooting grounds, state marine (estuarine) recreational management areas, or wildlife management areas.

(d) All fees collected from the public for the use of department-owned or operated lands for hunting purposes, including, but not limited to, fees collected through the sale of day use and annual passes provided in Section 1765 and any reservation application revenues, shall be deposited in the Wildlife Management Areas Hunting Programs Account, which is hereby established within the Fish and Game Preservation Fund to permit separate accountability for the receipt and expenditure of these funds.

(e) Funds from this account shall be used solely for public hunting, habitat enhancement, wildlife conservation, and related administrative purposes on department-owned or operated lands, that include, but are not necessarily limited to, a public hunting program. The department may also use these funds to enter into contracts or to award grants to reimburse, upon completion of the projects, nonprofit organizations described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related conservation projects.

(f) The department may make grants or enter into contracts with nonprofit organizations for the use of the funds from the Wildlife Management Areas Hunting Programs Account when it finds that the contracts are necessary for carrying out the purposes of subdivision (e).

(g) Before any funds from the Wildlife Management Areas Hunting Programs Account may be expended, the commission shall review the proposed project and verify that the requirements of this section have been met. Prior to commission verification, the department shall analyze the proposed project and provide the

1 commission with recommendations as to the project's feasibility
2 and need. The department shall also solicit comment on the
3 proposed project from interested nonprofit organizations described
4 in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec.
5 501(c)(3)) that have as their primary purpose the conservation of
6 waterfowl or upland game bird populations.

7 (h) Projects authorized pursuant to this section are not subject
8 to Part 2 (commencing with Section 10100) of Division 2 of the
9 Public Contract Code or Article 6 (commencing with Section 999)
10 of Chapter 6 of Division 4 of the Military and Veterans Code.

11 (i) The department shall maintain the internal accountability
12 necessary to ensure compliance with the collection, deposit, and
13 expenditure of revenues as specified in this section.

14 SEC. 8. Section 3684 of the Fish and Game Code is amended
15 to read:

16 3684. (a) The Upland Game Bird Account is hereby established
17 within the Fish and Game Preservation Fund.

18 (b) All funds derived from the sale of upland game bird hunting
19 validations and upland game bird stamps shall be deposited in the
20 Upland Game Bird Account to permit separate accountability for
21 the receipt and expenditure of these funds.

22 (c) Funds deposited in the Upland Game Bird Account shall be
23 annually available for appropriation by the Legislature, and shall
24 be expended solely for the purpose of acquiring land, completing
25 projects and implementing programs to benefit the upland game
26 bird species, and for related public hunting opportunities and public
27 outreach related to hunter education on upland game bird hunting.
28 The department may also use these funds to enter into contracts
29 or to award grants to reimburse, upon completion of the projects,
30 nonprofit organizations described in Section 501(c)(3) of the
31 Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related
32 habitat projects. Any land acquired with funds from the Upland
33 Game Bird Account shall be ~~open~~ *acquired in fee title or protected*
34 *with a conservation easement and be open or provide access to*
35 *the public for upland game bird hunting.*

36 (d) Before any funds from the Upland Game Bird Account may
37 be expended, the commission shall review the proposed project
38 and verify that the requirements of this section have been met.
39 Prior to commission verification, the department shall analyze the
40 proposed project and provide the commission with

1 recommendations as to the project's feasibility and need. The
2 department shall also solicit comment on the proposed project
3 from interested nonprofit organizations described in Section
4 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3))
5 who have as their primary purpose the conservation of upland
6 game bird populations.

7 (e) Upland game bird projects authorized pursuant to this section
8 are not subject to Part 2 (commencing with Section 10100) of
9 Division 2 of the Public Contract Code or Article 6 (commencing
10 with Section 999) of Chapter 6 of Division 4 of the Military and
11 Veterans Code.

12 (f) The department shall maintain the internal accountability
13 necessary to ensure compliance with the collection, deposit, and
14 expenditure of funds specified in this section.

15 SEC. 9. Section 3685 of the Fish and Game Code is repealed.

16 SEC. 10. Section 3686 of the Fish and Game Code is amended
17 to read:

18 3686. Projects authorized pursuant to Section 3684 shall be
19 governed by Section 1501.5. With the approval of the entity in
20 control of property affected by a project, the department may make
21 grants to, or enter into contracts with, nonprofit organizations for
22 the accomplishment of those projects, or the department may
23 reimburse the controlling entity for its costs of accomplishing the
24 project.

25 SEC. 11. Section 4332 of the Fish and Game Code is amended
26 to read:

27 4332. (a) Any resident of this state, 12 years of age or over,
28 who possesses a valid hunting license, may procure one tag for
29 the taking of one deer by one person during the current license
30 year, upon payment of the base fee of ten dollars (\$10) for the
31 license year beginning July 1, 1986, and the base fee as adjusted
32 under Section 713 for subsequent license years.

33 (b) Any nonresident of this state, 12 years of age or over, who
34 possesses a valid hunting license, may procure one tag for the
35 taking of one deer by one person during the current license year,
36 upon payment of the base fee of one hundred dollars (\$100) for
37 the license year beginning July 1, 1986, and the base fee as adjusted
38 under Section 713 for subsequent license years.

39 (c) If provided in regulations adopted by the commission under
40 Section 200, any resident of this state, 12 years of age or over,

1 who possesses a deer tag may procure one additional deer tag for
2 the taking of one additional deer during the current license season,
3 upon payment of the base fee of twelve dollars and fifty cents
4 (\$12.50) for the license ~~years~~ *year* beginning July 1, 1986, and the
5 base fee as adjusted under Section 713 for subsequent license
6 years.

7 (d) If provided in regulations adopted by the commission under
8 Section 200, any nonresident of this state, 12 years of age or over,
9 who possesses a deer tag may procure one additional deer tag for
10 the taking of one additional deer during the current license season,
11 upon payment of the base fee of one hundred dollars (\$100) for
12 the license year beginning July 1, 1986, and the base fee as adjusted
13 under Section 713 for subsequent license years.

14 SEC. 12. Section 4332.5 is added to the Fish and Game Code,
15 to read:

16 4332.5. (a) The Augmented Deer Tags Account is hereby
17 established within the Fish and Game Preservation Fund.

18 (b) All funds collected from the sale of deer tags shall be
19 deposited in the Augmented Deer Tags Account to permit separate
20 accountability for the receipt and expenditure of these funds.

21 (c) (1) The commission shall annually direct the department to
22 authorize, pursuant to Section 1054.8, the sale of not more than
23 10 deer tags solely for the purpose of raising funds for programs
24 and projects approved by the commission to benefit deer.

25 (2) These tags may be sold to residents or nonresidents of the
26 State of California at auction or by any other method and are not
27 subject to the fees prescribed by Section 4332.

28 (3) These funds shall augment, not supplant, any other funds
29 appropriated to the department for the preservation, restoration,
30 utilization, and management of deer. All revenues derived from
31 the sale of these tags shall be remitted to the department by the
32 seller.

33 (d) Notwithstanding Section 13340 of the Government Code,
34 moneys deposited in the Augmented Deer Tags Account each year
35 pursuant to this section are hereby continuously appropriated to
36 the department, and shall be expended solely for the purpose of
37 implementing deer herd management plans prepared pursuant to
38 Chapter 5 (commencing with Section 450) of Division 1; *and for*
39 *the Deer Herd Management Plan Implementation Program, or for*
40 *other programs and projects that benefit deer including acquiring*

1 *land, completing projects, and implementing programs to benefit*
2 *deer, and expanding public hunting opportunities and public*
3 *outreach related to hunter education on deer hunting.* The amount
4 appropriated for implementation of deer herd management plans
5 by this section is intended to be in addition to, and not a
6 replacement for, the funds budgeted in that year or the previous
7 year to the department from the Fish and Game Preservation Fund
8 for deer management. Any land acquired with funds from the
9 Augmented Deer Tags Account shall be ~~open~~ *acquired in fee title*
10 *or protected with a conservation easement and be open or provide*
11 *access to the public for deer hunting.* The department may also
12 use these funds to enter into contracts or to award grants to
13 reimburse, upon completion of the projects, nonprofit organizations
14 described in Section 501(c)(3) of the Internal Revenue Code (26
15 U.S.C. Sec. 501(c)(3)) for related habitat projects.

16 (e) The department may also make grants or enter into contracts
17 with nonprofit organizations described in Section 501(c)(3) of the
18 Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for the use of
19 the funds from the Augmented Deer Tags Account when it finds
20 that the contracts are necessary for carrying out the purposes of
21 this article.

22 (f) Before any funds from the Augmented Deer Tags Account
23 may be expended, the commission shall review the proposed
24 project and verify that the requirements of this section have been
25 met. Prior to commission verification, the department shall analyze
26 the proposed project and provide the commission with
27 recommendations as to the project's feasibility and need. The
28 department shall also solicit comment on the proposed project
29 from interested nonprofit organizations who have as their primary
30 purpose the conservation of deer populations.

31 (g) Deer projects authorized pursuant to this section are not
32 subject to Part 2 (commencing with Section 10100) of Division 2
33 of the Public Contract Code or Article 6 (commencing with Section
34 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

35 (h) The department shall maintain the internal accountability
36 necessary to ensure compliance with the collection, deposit, and
37 expenditure of revenues specified in this section.

38 SEC. 13. Section 4334 of the Fish and Game Code is repealed.

39 SEC. 14. Section 4656 of the Fish and Game Code is repealed.

1 SEC. 15. Section 4656 is added to the Fish and Game Code,
2 to read:

3 4656. (a) The Wild Pig Account is hereby established within
4 the Fish and Game Preservation Fund.

5 (b) All funds collected from the sale of wild pig tags shall be
6 deposited in the Wild Pig Account to permit separate accountability
7 for the receipt and expenditure of these funds.

8 (c) Funds deposited in the Wild Pig Account shall be expended
9 solely for the purposes set forth in this chapter, including acquiring
10 land, completing projects, and implementing programs to benefit
11 wild pigs and their habitat, and expanding public hunting
12 opportunities and public outreach related to hunter education *on*
13 *wild pig hunting*. The department may also use these funds to enter
14 into contracts or to award grants to reimburse, upon completion
15 of the projects, nonprofit organizations described in Section
16 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3))
17 for related conservation projects. Any land acquired with funds
18 from the Wild Pig Account shall be ~~open~~ *acquired in fee title or*
19 *protected with a conservation easement and be open or provide*
20 *access* to the public for wild pig hunting.

21 (d) The department may make grants or enter into contracts
22 with nonprofit organizations for the use of the funds from the Wild
23 Pig Account when it finds that the contracts are necessary for
24 carrying out the purposes of this article.

25 (e) Before any funds from the Wild Pig Account may be
26 expended, the commission shall review the proposed project and
27 verify that the requirements of this section have been met. Prior
28 to commission verification, the department shall analyze the
29 proposed project and provide the commission with
30 recommendations as to the project's feasibility and need. The
31 department shall also solicit comment on the proposed project
32 from interested nonprofit organizations described in Section
33 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3))
34 that have as their primary purpose the conservation of big game
35 species populations.

36 (f) Wild pig projects authorized pursuant to this section are not
37 subject to Part 2 (commencing with Section 10100) of Division 2
38 of the Public Contract Code or Article 6 (commencing with Section
39 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

1 (g) The department shall maintain the internal accountability
2 necessary to ensure compliance with the collection, deposit, and
3 expenditure of funds specified in this section.

4 SEC. 16. Section 4764 is added to the Fish and Game Code,
5 to read:

6 4764. (a) The Bear Tag Account is hereby established within
7 the Fish and Game Preservation Fund.

8 (b) All funds derived from the sale of bear tags shall be
9 deposited in the Bear Tag Account to permit separate accountability
10 for the receipt and expenditure of these funds.

11 (c) The funds in the Bear Tag Account shall, upon appropriation
12 by the Legislature, be expended solely for the purpose of acquiring
13 land, completing projects, and implementing programs to benefit
14 bears, and expanding public hunting opportunities and public
15 outreach related to hunter education on bear hunting. The
16 department may also use these funds to enter into contracts or to
17 award grants to reimburse, upon completion of the project,
18 nonprofit organizations described in Section 501(c)(3) of the
19 Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related
20 habitat projects. Any land acquired with funds from the Bear Tag
21 Account shall be ~~open~~ *acquired in fee title or protected with a*
22 *conservation easement and be open or provide access to the public*
23 *for bear hunting.*

24 (d) The department may make grants or enter into contracts
25 with nonprofit organizations described in Section 501(c)(3) of the
26 Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for the use of
27 funds from the Bear Tag Account when it finds that the contracts
28 are necessary for carrying out the purposes of this article.

29 (e) Before any funds from the Bear Tag Account may be
30 expended, the commission shall review the proposed project and
31 verify that the requirements of this section have been met. Prior
32 to commission verification, the department shall analyze the
33 proposed project and provide the commission with
34 recommendations as to the project's feasibility and need. The
35 department shall also solicit comment on the proposed project
36 from interested nonprofit organizations ~~who~~ *that* have as their
37 primary purpose the conservation of bear populations.

38 (f) Bear projects authorized pursuant to this section are not
39 subject to Part 2 (commencing with Section 10100) of Division 2

1 of the Public Contract Code or Article 6 (commencing with Section
2 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

3 (g) The department shall maintain the internal accountability
4 necessary to ensure compliance with the collection, deposit, and
5 expenditure of revenues specified in this section.

6 SEC. 17. Section 4903 of the Fish and Game Code is repealed.

7 SEC. 18. Section 4903 is added to the Fish and Game Code,
8 to read:

9 4903. (a) The Bighorn Sheep Account is hereby established
10 within the Fish and Game Preservation Fund.

11 (b) All funds collected from the sale of bighorn sheep tags shall
12 be deposited in the Bighorn Sheep Account to permit separate
13 accountability for the receipt and expenditure of these funds.

14 (c) Funds deposited in the Bighorn Sheep Account shall be
15 expended solely for the purposes of the bighorn sheep program,
16 *including acquiring land, completing projects, and implementing*
17 *programs to benefit bighorn sheep, and expanding public hunting*
18 *opportunities and public outreach related to hunter education on*
19 *bighorn sheep hunting*. Notwithstanding Sections 711 and 13004,
20 this revenue, upon appropriation by the Legislature, shall be
21 available for expenditure by the department solely for programs
22 and projects to benefit bighorn sheep and for the direct costs and
23 administrative overhead incurred solely in carrying out the
24 department's bighorn sheep activities. Administrative overhead
25 shall be limited to the reasonable costs associated with the direct
26 administration of the program. These funds shall be used to
27 augment, and not to replace, moneys appropriated from existing
28 funds available to the department for the preservation, restoration,
29 utilization, and management of bighorn sheep. The department
30 may also use these funds to enter into contracts or to award grants
31 to reimburse, upon completion of the projects, nonprofit
32 organizations described in Section 501(c)(3) of the Internal
33 Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related conservation
34 projects. Any land acquired with funds from the Bighorn Sheep
35 Account shall be ~~open~~ *acquired in fee title or protected with a*
36 *conservation easement and be open or provide access to the public*
37 *for bighorn sheep hunting*.

38 (d) The department may make grants or enter into contracts
39 with nonprofit organizations for the use of the funds from the

1 Bighorn Sheep Account when it finds that the contracts are
2 necessary for carrying out the purposes of this article.

3 (e) Before any funds from the Bighorn Sheep Account may be
4 expended, the commission shall review the proposed project and
5 verify that the requirements of this section have been met. Prior
6 to commission verification, the department shall analyze the
7 proposed project and provide the commission with
8 recommendations as to the project's feasibility and need. The
9 department shall also solicit comment on the proposed project
10 from interested nonprofit organizations described in Section
11 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3))
12 that have as their primary purpose the conservation of bighorn
13 sheep populations.

14 (f) Bighorn sheep projects authorized pursuant to this section
15 are not subject to Part 2 (commencing with Section 10100) of
16 Division 2 of the Public Contract Code or Article 6 (commencing
17 with Section 999) of Chapter 6 of Division 4 of the Military and
18 Veterans Code.

19 (g) The department shall maintain the internal accountability
20 necessary to ensure compliance with the collection, deposit, and
21 expenditure of funds specified in this section.

22 SEC. 19. The Department of Fish and Game, as part of its
23 annual budget proposal for the 2009–10 fiscal year, that is subject
24 to approval by the Legislature as part of the annual Budget Act,
25 shall include adequate funding, as determined by the department,
26 to begin the process of developing plans to implement the strategies
27 in the California Comprehensive Wildlife Action Plan.